

**VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 35A.3(2), the Commission of Veterans Affairs hereby gives Notice of Intended Action to amend Chapter 10, “Iowa Veterans Home,” Iowa Administrative Code.

The intent of the proposed amendments is to comply with the enactment of 2013 Iowa Acts, House File 544, and to reflect the operational changes the Iowa Veterans Home has undertaken since the last revision of Chapter 10.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 27, 2013. Such written materials should be directed to David G. Worley, Commandant, Iowa Veterans Home, 1301 Summit Street, Marshalltown, Iowa 50158-5485; or faxed to (641)753-4278. E-mail may be sent to [david.worley@ivh.state.ia.us](mailto:david.worley@ivh.state.ia.us). Persons who wish to convey their views orally should contact the Commandant’s office at (641)753-4309 at the Iowa Veterans Home.

If requested in writing, a public hearing on the proposed amendments will be held on Wednesday, August 28, 2013, at 8 a.m. in the Ford Memorial Conference Room at the Iowa Veterans Home, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record. Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Veterans Home to advise of specific needs. If no written or oral requests for a public hearing are received, the public hearing will be canceled without further notice.

These proposed amendments are not subject to waiver.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 35D and 2013 Iowa Acts, House File 544.

The following amendments are proposed.

ITEM 1. Rescind the definitions of “Director of admissions” and “Director of resident and family services” in rule **801—10.1(35D)**.

ITEM 2. Amend the following definitions in rule **801—10.1(35D)**:

“Adjutant Chief operating officer” means the chief executive assistant of the commandant who functions as the chief operations officer.

“Gold Star parent” means a parent ~~whose child died while serving in the armed forces of the United States~~ of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service.

“Interdisciplinary resident care committee” or “IRCC” means the member, a social worker, a registered nurse, a dietitian, a medical provider, a recreation specialist ~~and other staff, as appropriate,~~ and a mental health provider, as required, who are involved in reviewing a member’s assessment data and developing a collaborative care plan for the individual member.

“Member” means a ~~patient~~ or resident of IVH.

“PASARR PASRR” means preadmission screening and ~~annual~~ resident review.

“Spouse” means a person of the opposite sex who is the legal or common-law wife or husband of a veteran.

“Surviving spouse” means a person of the opposite sex who is the legal or common-law widow or widower of a veteran.

“*Therapeutic activity*” means an activity that is considered as treatment. A therapist shall determine that a particular activity is beneficial to the well-being of a resident member and shall include this determination in the resident’s member’s plan of care.

“*Veteran*” means a person who served in the active military and who was discharged or released therefrom under honorable conditions other than dishonorable. Honorable and general discharges qualify a person as a veteran. The veteran must be eligible for medical care in the DVA system (excluding financial eligibility).

In addition, veteran includes a person who served in the merchant marine or as a civil service crew member between December 7, 1941, and August 15, 1945.

ITEM 3. Adopt the following new definition of “Admissions coordinator” in rule **801—10.1(35D)**: “*Admissions coordinator*” means the individual responsible for the coordination of the admissions process.

ITEM 4. Amend subrule 10.2(1) as follows:

**10.2(1)** Veterans shall be eligible for admittance to IVH in accordance with the following conditions:

~~a.~~ The individual does not have sufficient means for the individual’s support, or the individual is disabled by reason of disease, wounds, injury or old age or otherwise and is in need of one of the multilevels of care and meets the qualifications for nursing or residential level of care available at IVH, and is unable to defray the expenses of the necessary care, except as described at paragraph “e.”

~~b.~~ The individual cannot be competitively employed on the day of admission or throughout the individual’s residency.

~~c.~~ The individual shall have met the residency requirements of the state of Iowa on the date of admission to IVH.

~~d.~~ An individual who has been diagnosed by a qualified health care professional as acutely mentally ill, as an acute alcoholic, as addicted to drugs, as continuously disruptive, or as dangerous to self or others shall not be admitted to or retained at IVH.

~~e.~~ Individuals who have sufficient means for their own care but who are otherwise eligible to become members of IVH may, if there is room for individuals described in paragraph “a” above, be admitted and allowed to remain at IVH upon payment of the cost of the individual’s care in accordance with rules ~~801—10.14(35D) to 801—10.23(35D)~~.

~~f.~~ e. The individual must be eligible for care and treatment at a DVA medical center (excluding financial eligibility).

~~g.~~ f. Individuals admitted to the domiciliary level of care must meet DVA criteria stated in Department of Veterans Affairs, State Veterans Homes, Veterans Health Administration, M-1, Part 1, Chapter 3.11(h) (1), (2), and (3), and have prior DVA approval if the individual’s income level exceeds the established cap.

g. Homelessness does not disqualify persons otherwise eligible for admission to IVH.

ITEM 5. Amend subrule 10.2(3) as follows:

**10.2(3)** A Gold Star parent shall be eligible for admittance in accordance with the following conditions:

a. The parent’s child died while serving on active duty in the armed forces of the United States during a time of military conflict or died as a result of such service.

~~b.~~ The individual does not have sufficient means for the individual’s support, or the individual is disabled by reason of disease, wounds, injury or old age or otherwise and is in need of one of the multilevels of care and meets the qualifications for nursing or residential level of care available at IVH, and is unable to defray the expenses of the necessary care, except as described at paragraph “e.”

~~c.~~ The individual cannot be competitively employed on the day of admission or throughout the individual’s residency.

~~d.~~ The individual shall have met the residency requirements of the state of Iowa on the date of admission to IVH.

~~e.~~ An individual who has sufficient means for the individual’s own care but who is otherwise eligible to become a member of IVH may, if there is room for individuals described in paragraph “b”

~~above, be admitted and allowed to remain at IVH upon payment of the cost of the individual's care in accordance with rules 801—10.14(35D) to 801—10.23(35D).~~

~~f. e.~~ An individual who has been diagnosed by a qualified health care professional as acutely mentally ill, as an acute alcoholic, as addicted to drugs, as continuously disruptive, or as dangerous to self or others shall not be admitted to or retained at IVH.

~~g. f.~~ Gold Star parents, spouses and surviving spouses admitted to IVH shall not exceed more than 25 percent of the total number of members at IVH as provided in U.S.C. Title 38.

ITEM 6. Amend subrule 10.3(2) as follows:

**10.3(2)** Application shall be made on the “Veteran Application for Admission to the Iowa Veterans Home,” Form 475-0409, the “Spouse’s Application for Admission to the Iowa Veterans Home,” Form 475-0410, or the “Gold Star Parent Application for Admission to the Iowa Veterans Home,” Form 475-0411 ~~475-2044~~. Separate applications shall be required for an eligible veteran and the spouse of the veteran when both veteran and spouse are applying for admission. The applications may be obtained at:

- a. The county commission of veterans affairs’ office.
- b. DVA medical centers located in or serving veterans in the state of Iowa.
- c. IVH.
- d. Web site: [www.iowaveteranshome.org](http://www.iowaveteranshome.org).

ITEM 7. Amend paragraphs **10.3(4)“d”** and **“e”** as follows:

d. If the applicant is a Gold Star parent, an original or certified copy of the ~~veteran’s~~ child’s birth certificate and certification of the child’s death while on active duty in the armed forces of the United States during a time of military conflict.

e. An original or a certified copy of applicant’s birth certificate ~~if not in receipt of Social Security~~.

ITEM 8. Amend subrule 10.3(6) as follows:

**10.3(6)** Eligibility determinations are subject to approval by the commandant or designee.

ITEM 9. Amend rule 801—10.4(35D) as follows:

**801—10.4(35D) Application processing.**

**10.4(1)** Applications received by the admissions office shall be reviewed for completeness. The county commission of veterans affairs shall be required to submit additional information if needed.

**10.4(2)** The admissions committee shall assign the level ~~and category~~ of care required by the applicant. If a special care unit or treatment is required, this shall be designated.

**10.4(3)** Regardless of whether or not the applicant can be immediately admitted, the applicant shall be notified by the ~~director of admissions or designee~~ admissions coordinator of the applicant’s designated level ~~and category~~ of care. An applicant who does not wish to be admitted to the designated level ~~and category~~ of care may submit evidence to show that another level ~~or category~~ of care may be more appropriate. However, once the admissions committee makes a final determination, the applicant who does not wish to be admitted under the designated level ~~or category~~ of care may withdraw the application ~~in writing~~ or have the application denied.

**10.4(4)** When space is not immediately available in the level ~~and category~~ of care assigned or on the appropriate special care unit, the applicant’s name shall be placed on the appropriate waiting list for that level ~~and category~~ of care or special care unit in the order of the date the application was received.

**10.4(5)** When space is available at time of application, or when space becomes available in accordance with the designated waiting list, the applicant shall be scheduled for admittance to IVH as follows:

a. An applicant whose physical examination or personal functional assessment, or both if applicable, was completed more than three months prior to the scheduled date of admittance may be required to obtain another physical examination by a medical provider or complete a current personal functional assessment, or both if applicable. This information shall be reviewed to determine that the applicant is capable of functioning at the previously determined level of care ~~and category~~.

b. An applicant who requires a different level ~~and category~~ of care than previously determined shall be admitted to the level of care required if a bed is available or shall have the applicant’s name

placed on the waiting list for the appropriate level and category of care in accordance with the date the original application was received.

c. If there is a question regarding the level and category of care for which the applicant qualifies, the applicant shall be scheduled for a preadmission ~~examination visit~~ with appropriate staff in order to make a determination of appropriate level and category of care. If there is a question of whether or not the applicant ~~can be appropriately treated within the scope of existing~~ qualifies for nursing or residential level of care programs, or facility license or both, the applicant shall be scheduled for a ~~preadmission screening site visit~~ by appropriate staff.

d. ~~Following the~~ Prior to an applicant's admission to a nursing care unit, the ~~PASARR~~ PASRR is completed.

ITEM 10. Amend rule 801—10.6(35D) as follows:

**801—10.6(35D) Admission to IVH.**

**10.6(1)** The applicant shall be notified by the ~~director of admissions or designee~~ admissions coordinator to appear for admission to IVH.

**10.6(2)** Upon arrival at IVH, the applicant or legal representative shall report to the admissions office for an admission interview.

**10.6(3)** During the interview, ~~the director of admissions or designee shall review~~ the following items will be reviewed with the applicant or legal representative:

- a. The applicant's resources.
- b. The member support, billing process and banking services.
- c. The "Contractual Agreement," Form ~~475-0694~~ 475-1833.

**10.6(4)** In order to meet the requirements of subrule 10.6(3), the applicant or legal representative shall complete and sign the following forms as applicable:

- a. Permission for Treatment, Form 475-0814.
- b. Financial Affidavit, Form 475-0839.

**10.6(5)** An applicant becomes a member at that point in time when the applicant or legal representative signs and dates the "Contractual Agreement," Form ~~475-0694~~ 475-1833, or otherwise authorizes, in writing, acceptance of the terms of admittance specified in the Contractual Agreement.

**10.6(6)** Each member shall be placed on a unit providing the appropriate level and category of care based on individual needs.

a. A member requiring a change in placement based on individual care needs shall be transferred to a unit which provides the appropriate level and category of care within the scope of its licensure.

b. Members shall have priority over new admissions for placement on a unit when a vacant bed becomes available.

**10.6(7)** Care at IVH shall be provided in accordance with Iowa Code chapter 135C; 481—Chapter 57, Residential Care Facilities; 481—Chapter 58, Nursing Facilities; and DVA State Veterans Homes, Veterans Health Administration, M-5, Part 8, Chapter 2, Procedure for Obtaining Recognition of a State Veterans Home and Applicable Standards, ~~2-06~~, 2.07, Standards for Nursing Care, and ~~2-09~~, 2.08, Standards for Domiciliary Care, November 4, 1992.

ITEM 11. Amend subrule 10.11(2) as follows:

**10.11(2)** A member has the right to share a room with the member's spouse when both ~~member and spouse~~ members consent to the arrangement and ~~both require the same level of care~~.

ITEM 12. Rescind paragraph **10.12(1)“e.”**

ITEM 13. Reletter paragraphs **10.12(1)“f”** to **“r”** as **10.12(1)“e”** to **“q.”**

ITEM 14. Amend subparagraphs **10.19(2)“a”(9)** and **(16)** as follows:

(9) The first \$150 received by a member in a month for participation in the incentive therapy or other programs as described at in rule 801—10.30(35D), for members in the domiciliary level of care. For members in the nursing level of care, the first \$75 shall be exempted.

(16) Income from ~~participating employment~~ as outlined in the ~~community reentry program (IVH policy #174)~~ or the IVH discharge planning policy (IVH policy #265).

ITEM 15. Amend subrule 10.20(10) as follows:

~~10.20(10) Through IVH programs, employment~~ Employment is only allowed as identified in the ~~community reentry program (IVH policy #174)~~ or the IVH discharge planning policy (IVH policy #265).

ITEM 16. Amend rule 801—10.30(35D) as follows:

**801—10.30(35D) Incentive therapy and nonprofit rehabilitative programs.** Members may be offered the opportunity to perform services for IVH through the incentive therapy program as part of their plan of care. Participating members shall be compensated for their involvement in the incentive therapy program according to applicable guidelines established by the U.S. Department of Labor, Wage, and Hour Division, and the commandant or designee. ~~if~~ If members enrolled in nonprofit rehabilitative programs receive an income from such programs, that income shall be treated in the same manner as the incentive therapy program or IVH policy.

This rule is intended to implement Iowa Code section 35D.7(3).

ITEM 17. Amend subrule 10.35(3) as follows:

**10.35(3)** IVH shall maintain a commercial account with a federally insured bank for the personal deposits of its members. The account shall be known as the IVH membership account. The commandant or designee shall record each member's personal deposits individually and shall deposit the funds in the membership account where the members' deposits shall be held in the aggregate. Interest shall accrue on those accounts that are on deposit the last working Friday of each month. IVH may withdraw moneys from the account maintained pursuant to this subrule to establish certificates of deposit for the benefit of all members.

ITEM 18. Amend paragraph **10.36(1)“a”** as follows:

a. Members are free to leave IVH grounds unless contraindicated by medical determination. In cases where it is determined to be medically contraindicated and a member chooses to leave, the member or legal representative must sign “Discharge/Leave Against Medical Advice,” Form 475-0940.

ITEM 19. Amend paragraphs **10.36(2)“a”** and **“d”** as follows:

a. Members are free to leave IVH grounds unless contraindicated by medical determination. In cases where it is determined to be medically contraindicated and a member chooses to leave, the member or legal representative must sign “Discharge/Leave Against Medical Advice,” Form 475-0940.

d. A member or a legal representative who wishes to exceed the 18 visitation days and retain the member's bed, but does not have medical provider recommendation for an extension, must make arrangements with the ~~director of admissions~~ financial services division administrator or designee for payment of the rate determined by the department of human services income maintenance worker for all days in excess of the 18 visitation days. If prior arrangements and payment are not made, a member may be discharged in accordance with subrule 10.12(2).

ITEM 20. Amend rule 801—10.40(35D), introductory paragraph, as follows:

**801—10.40(35D) Requirements for member conduct.** The commandant or designee shall administer and enforce all requirements for member conduct. Subject to these rules and Iowa Code section 135C.23, the commandant or designee may transfer or discharge any member from IVH when the commandant or designee determines that the health, safety or welfare of the members or staff is in immediate danger, and other reasonable alternatives have been exhausted.

ITEM 21. Amend paragraphs **10.40(1)“d,” “f”** and **“i”** as follows:

d. Firearms or weapons of any nature shall be turned in to the ~~adjutant commandant~~ or designee for safekeeping. The ~~adjutant commandant~~ or designee shall decide if an instrument is a weapon. Firearms or weapons in the possession of a member which constitute a hazard to self or others shall be removed and stored in a place provided and controlled by the facility.

*f.* Continuously disruptive behavior on the part of a member, ~~such as fighting with other members, visitors or staff, assault or theft,~~ is grounds for transfer or discharge.

*i.* Members shall report to the ~~director of admissions~~ admissions coordinator or designee any changes in assets/income, and pay support by the tenth of each month.

ITEM 22. Amend subrule 10.40(3) as follows:

**10.40(3)** The steps described in subrule 10.40(2) shall generally be followed in that order. However, if the member's violation is of an extreme nature and the member is not amenable to counseling, the commandant or designee shall choose to discharge the member after the expiration of a 30-day written notification period which begins when the notice is personally delivered. If the IRCC, in conjunction with the medical provider and mental health personnel, deems that the member's behavior poses a threat of imminent danger, the commandant or designee may issue notice of an immediate involuntary discharge. In such an emergency situation, a written notice shall be given prior to or within 48 hours following the discharge.

The member's county commission of veterans affairs and the legal representative shall be informed in writing of the decision to discharge. Written notification shall also be issued to appropriate governmental agencies including the commission, the department of inspections and appeals, and the department on aging's long-term care ombudsman to ensure that the member's health, safety or welfare shall not be in danger upon the member's release.

ITEM 23. Amend rule 801—10.43(35D), introductory paragraph, as follows:

**801—10.43(35D) Rule enforcement—power to suspend and discharge members.** The commandant or designee shall administer and enforce all rules adopted by the commission, including rules of discipline and, subject to these rules, may immediately suspend the membership of and discharge any member from IVH for infraction of the rules when the commandant or designee determines that the health, safety or welfare of the members of IVH is in immediate danger and other reasonable alternatives have been exhausted. The suspension and discharge are temporary pending action by the commission. Judicial review of the action of the commission may be sought in accordance with Iowa Code chapter 17A.

ITEM 24. Amend subrule 10.43(1) as follows:

**10.43(1)** The commandant or designee shall, with the input and recommendation of the IRCC, involuntarily discharge a member for any of the following reasons:

*a.* The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met:

(1) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(2) The member has been notified of the member's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

1. Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care.

2. By having been placed on probation by IVH for a second offense.

Notwithstanding the member meeting the criteria for discharge under paragraph 10.43(1) "*a*," if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the IRCC and the commandant or designee may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged under paragraph 10.43(1) "*a*" if the member's actions or behavior jeopardizes the life or safety of other members or staff.

*b.* The member refuses to utilize the resources available to address issues identified in the member's collaborative care plan, and all of the following conditions are met:

(1) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(2) The member has been notified of the member's commission of three offenses and the member has been placed on probation by IVH for a second offense.

Notwithstanding the member meeting the criteria for discharge under paragraph 10.43(1) "b," if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the IRCC and the commandant or designee may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged if the member's actions or behavior jeopardizes the life or safety of other members or staff.

c. ~~The member's medical or life skills needs have been met to the extent possible through the services provided by IVH and the member no longer requires a residential or nursing level of care, as determined by the IRCC.~~

d. The member requires a level of licensed care not provided at IVH.

ITEM 25. Amend paragraph **10.43(3)"c"** as follows:

c. A statement in not less than 12-point type which reads: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may request a hearing in writing or verbally with the Commission of Veterans Affairs (hereinafter referred to as "Commission") within five (5) calendar days after receiving this notice. You have a right to be represented at the hearing by an attorney or any other individual of your choice. If you request a hearing, it will be held, and a decision rendered within ten (10) calendar days of the filing of the appeal. Provision may be made for extension of the ten (10) day requirement upon request to the Commission designee. If you lose the hearing, you will not be discharged or transferred before the expiration of 30 days following receipt of the original notice of the discharge or transfer, or no sooner than five (5) days following final decision of such hearing. To request a hearing or receive further information, call the Commission or write to the Commission to the attention of: Chairperson, Commission of Veterans Affairs."

ITEM 26. Amend subrule 10.43(7) as follows:

**10.43(7)** Any involuntary discharge by the commandant or designee under this rule shall comply with the rules adopted by the commission and by the department of inspections and appeals pursuant to 2009 Iowa Acts, Senate File 407, section 2.

ITEM 27. Amend rule 801—10.45(35A,35D), introductory paragraph, as follows:

**801—10.45(35A,35D) Applicant appeal process.** An applicant who believes that any of the provisions of 801—~~Chapter 10~~ this chapter have not been upheld, or have been upheld unfairly, may file an appeal directly with the commandant or designee containing a statement of the grievance and requested action. The commandant or designee shall investigate and may hold an informal hearing with the applicant and other involved individuals. Subrules 10.46(4) to 10.46(8) apply subsequently. The commandant or designee shall notify the applicant of the decision in writing within ten working days of receipt of the grievance.

ITEM 28. Amend subrules 10.46(1), 10.46(2) and 10.46(3) as follows:

**10.46(1)** A member shall discuss the problem and action desired with the assigned social worker within five working days of the incident which caused the problem. The social worker shall investigate the situation and attempt to resolve the problem within five working days of the discussion with the member. If the assigned social worker has allegedly caused the grievance, the member may file the grievance directly with the ~~director of resident and family services~~ supervising unit manager.

**10.46(2)** If unable to resolve the problem, or if the member is dissatisfied with the solution, the social worker shall assist the member with filing a formal grievance and shall submit a report of the facts and recommendations to the ~~director of resident and family services~~ administrator of nursing within five working days of the discussion with the member. The ~~director of resident and family services~~ administrator of nursing shall inform the member of the decision in writing within five working days of receipt of the social worker's report.

**10.46(3)** If the member is not satisfied with the decision of the ~~director of resident and family services~~ administrator of nursing, or if no decision is given within the time specified in subrule 10.46(2), the member may appeal to the commandant or designee within ten working days of the decision of the

~~director of resident and family services administrator of nursing~~ or, if no decision is given, within ten working days of the time limit specified in subrule 10.46(2). The grievance shall be submitted in writing and contain a statement of the cause of the grievance and requested action. A copy of the decision of the ~~director of resident and family services administrator of nursing~~ shall be attached to the grievance statement, if applicable. The commandant or designee shall investigate the grievance and may hold an informal hearing with the member, ~~director of resident and family services administrator of nursing~~, and other involved individuals. The commandant or designee shall notify the member and the ~~director of resident and family services administrator of nursing~~ of the decision in writing within ten working days of receipt of the grievance.

ITEM 29. Amend subrule 10.50(4) as follows:

**10.50(4)** ~~Firearms, drugs, Weapons, illegal substances~~ or alcoholic beverages are not permitted on IVH grounds ~~only with the permission of the commandant or designee~~.

ITEM 30. Amend subrule 10.51(2) as follows:

**10.51(2)** Each competent member shall be allowed to handle that member's business mail to the degree of responsibility chosen by the member. A member may:

a. Elect to receive all business mail personally and provide the ~~admissions~~ resident finance office with financial documentation, or

b. Designate that the member shall receive personal mail items, but business mail received at IVH from entitlement sources or concerning assets shall be routed to the ~~director of admissions or designee~~ resident finance office.

ITEM 31. Amend subrule 10.52(2) as follows:

**10.52(2)** Interviews of members within IVH by the news media or other outside groups are permitted only with ~~the prior written~~ consent of the member to be interviewed or the member's legal representative. At the request of the person or group who wishes to conduct an interview, the commandant or designee shall seek to obtain the required consent from the member or the member's legal representative.

ITEM 32. Amend rule 801—10.53(35D), introductory paragraph, as follows:

**801—10.53(35D) Donations.** Donations of money, new clothing, books, games, recreational equipment or other gifts shall be made directly to the commandant or designee. The commandant or designee shall evaluate the donation in terms of the nature of the contribution to the facility program. The commandant or designee shall be responsible for accepting the donation and reporting the gift to the commission. All monetary gifts shall be acknowledged in writing to the donor.

ITEM 33. Amend subrule 10.54(1) as follows:

**10.54(1)** Photographs and recordings of members within IVH by news media or other outside groups are permitted only with ~~the prior written~~ consent of the member to be photographed or recorded, or the member's legal representative. At the request of the person or group who wishes to make photographs or recordings, the commandant or designee shall seek to obtain the required consent from the member or the member's legal representative.

ITEM 34. Amend subrule 10.55(2) as follows:

**10.55(2)** ~~Members of outside~~ Outside organizations permitted to use facilities or grounds shall observe the same rules as visitors to the facility.

ITEM 35. Amend rule 801—10.56(35D) as follows:

**801—10.56(35D) Nonmember use of cottages.** Cottages may be made available to ~~persons on the staff~~ of IVH staff or to other members of the public with the commandant's or designee's approval and at the established rate.

**10.56(1)** Expenses incurred as a result of damage or need for exceptional cleaning/sanitizing procedures, or both, may result in additional charges ~~to the visitor~~ as determined by IVH.

**10.56(2)** Posted occupancy capacities shall not be exceeded and may be grounds for denial of use.

**10.56(3)** Pets are not allowed inside the cottages. ~~Visitors~~ Occupants who bring pets must comply with IVH rules regarding pet health and safety. ~~Visiting pets~~ Pets will be housed in a portable pet kennel outside the cottage and kept on a leash while on the IVH grounds. The kennel shall be provided by the pet owner.